

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Request by Progeny LMS, LLC for Waiver of  
Certain Multilateration Location and  
Monitoring Service Rules

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WT Docket No. 11-49

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Genachowski:

Pacific Gas and Electric Company urges you to reject the proposal of Progeny LMS, LLC ("Progeny") to use the 902-928 MHz band (the "Unlicensed Band") for licensed high-power transmitters, which will interfere with millions of lower-powered unlicensed industrial and consumer devices already operating in that band. Field testing has proved conclusively that Progeny will disrupt a substantial number of unlicensed devices that consumers and businesses use every day.

In December 2011, the FCC granted Progeny waivers of two Part 90 rules. As required by the rules, the FCC directed Progeny to test its higher-powered equipment and to ensure that its operations did not cause "unacceptable levels of interference" to unlicensed devices. The test reports filed with the FCC show that Progeny has not met this condition of its waiver. Much is at stake. The operations of millions of unlicensed devices – all manufactured, purchased, installed, and used in reliance on the FCC's existing rules before Progeny received the waiver – will be placed at risk.

Allowing Progeny to operate as proposed would adversely impact preexisting uses essential to public safety and critical infrastructure, and undermine important public policy initiatives – including rural broadband connectivity and the President's Plan for a 21<sup>st</sup> Century Electric Grid. For instance, low powered devices currently operating in the Unlicensed Band include:

- Smart meters and appliances;
- Supervisory Control and Data Acquisition ("SCADA") systems that monitor and control the safety and integrity of oil and natural gas pipelines and production fields;
- Water and gas utility measurement devices;

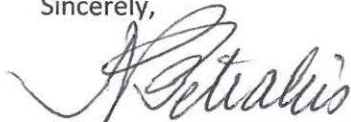
- Radio Frequency Identification Devices ("RFIDs") that automatically track assets and supply chains;
- Fixed broadband service in rural areas that is available to thousands of consumers only through the use of the 902-928 MHz unlicensed band due to the superior propagation characteristics in this band that enable signals to penetrate trees and terrain obstructions; and
- Countless other important applications for utilities, oil and natural gas companies, railroads, and other critical infrastructure companies as well as public safety and health services.

Moreover, millions of American consumers rely on unlicensed devices in this band for everyday uses, including wireless hearing aid products, emergency call pendants, home alarm systems, cordless phones and wireless headsets, and a host of other popular consumer items. The impact on the U.S. economy of unacceptable interference to these ubiquitous and important devices is immeasurable. Reducing the amount of usable unlicensed spectrum would contravene public policy at a time when consumers and businesses require more and more unlicensed bandwidth for education, public safety, teleworking and other important applications.

As you know, the FCC's National Broadband Plan found that technologically flexible access to unlicensed frequencies is an essential innovation policy that the FCC should foster. You recently testified before the House Committee on Energy and Commerce Subcommittee on Communications and Technology that unlicensed spectrum has an established record of creating hundreds of billions of dollars of value for our economy and consumers. And, FCC Commissioner Mignon Clyburn testified at the same hearing that unlicensed spectrum generates up to an estimated 37 billion dollars each year for the U.S. economy.

The record is clear. Progeny has done nothing to protect users of unlicensed devices, and repeatedly has requested rule concessions that threaten the established and growing Unlicensed Band, a national resource that quite simply cannot be placed at risk. We urge you to withhold permission for Progeny to commence commercial operations until the potential for unacceptable interference to the users of the Unlicensed Band is eliminated.

Sincerely,



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Enterprise Architecture and Strategy  
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cc: The Honorable RobertM. McDowell, Commissioner  
The Honorable Mignon L. Clyburn, Commissioner  
The Honorable Jessica Rosenworcel, Commissioner  
The Honorable Ajit Pai, Commissioner